

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Export-Import Bank of the Republic of China,	)	Civil No. 97 CIV 3090 (LAK)
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
Republique du Niger,	)	
	)	
Defendant.	)	

**ORDER**

WHEREAS, on February 9, 2015, the Export-Import Bank of the Republic of China (“Ex-Im Bank”), as petitioner, brought a motion for an order to show cause, pursuant to 28 U.S.C. § 1610(c), Rule 69(a) of the Federal Rules of Civil Procedure and Sections 5222(b) of the New York Civil Practice Law and Rules, for an order permitting Ex-Im Bank to serve a restraining notice on Exelon Generation Company, LLC (“Exelon”), and, pursuant to Federal Rule of Civil Procedure 65, for a temporary restraining order (1) immediately restraining (a) Exelon, (b) Judgment Debtor Republique du Niger (“Niger”), (c) SOPAMIN, and (d) any other person or entity with notice of the order from making or permitting the transfer of any payment due or coming due from Exelon to SOPAMIN or Niger, and (2) directing Niger to appear to show cause why a restraining notice should not issue (the “Motion”);

WHEREAS, on February 9, 2015, *ex parte*, the Honorable Judge Lewis A. Kaplan ordered: (1) Judgment Debtor Republique du Niger shall show cause as to why an order should not be entered, pursuant to 28 U.S.C. § 1610(c), Rule 69(a) of the Federal Rules of Civil Procedure, and Section 5222(b) of the New York Civil Practice Law and Rules, authorizing Ex-

Im Bank to serve a restraining notice on Exelon Generation and thus forbid it “to make or suffer any sale, assignment, or transfer of, or interference with” any property in which Niger or SOPAMIN has an interest “except upon direction of the sheriff or pursuant to an order of the court, until the expiration of one year after the notice is served upon [Exelon Generation] or until the judgment or order is satisfied or vacated” (CPLR 5222(b)) (the “Order to Show Cause”); (2) sufficient reason having been shown therefor, pending the hearing of Ex-Im Bank’s application, pursuant to Rule 65 of the Federal Rules of Civil Procedure, Exelon Generation, Niger, SOPAMIN, and any other person or entity with notice of this order, are temporarily restrained and enjoined from making or permitting the transfer of the Next Payment (or any subsequent payment) (the “TRO”); and (3) setting a date for a Show Cause Hearing before The Honorable Judge Andrew L. Carter, Jr.

WHEREAS, Exelon and SOPAMIN filed briefs in opposition of Ex-Im Bank’s Motion (the “Oppositions”);

WHEREAS, hearings on Ex-Im’s Motion were held before the Honorable Judge Andrew L. Carter, Jr. on February 12, 17, and 20, 2015;

**ORDERED** that the Order to Show Cause and TRO are vacated without prejudice, and the Motion is adjourned and continued until May 22, 2015.

DATED: New York, New York  
February \_\_, 2015

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Honorable Judge Andrew L. Carter, Jr.  
United States District Judge